




**Office of the City Manager**  
5200 Emerald Parkway • Dublin, OH 43017-1090  
Phone: 614-410-4400 • Fax: 614-410-4490

# Memo

**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager   
**Date:** September 19, 2013

**Initiated By:** Dana L. McDaniel, Deputy City Manager/Director of Economic Development  
**Re:** Ordinance Nos. 75-13 and 76 -13 - Emerald Parkway Phase 8 Project  
Thomas Family Limited Partnership – Parcel Nos. 273-009067 and 273-008247

## Background

The City of Dublin ("City") is preparing to construct the Emerald Parkway Phase 8 roadway improvement project (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this Project. The City presented good faith offers to each of these landowners in accordance with the Ohio Revised Code.

One of the landowners that the City must obtain property interests from in order to construct the Project is the Thomas Family limited Partnership ("Thomas") (see map, Attachment "A"). After engaging in negotiations with the Thomas family, it appears that the City may need to appropriate the needed property from them. These ordinances represent the next step in the appropriation process, should an amicable resolution not be achieved.

## Appropriation Introduction

This memorandum discusses the attached Ordinances for the Thomas acquisition (see Attachment "A"/ Map):

- 1) Parcel No. 273-009067 (Ord. No. 75-13) - a 1.836 acre fee simple interest, a 0.673 acre utility easement, and a 0.088 acre temporary construction easement in and to the premises located within Franklin County, east of Riverside Drive and North of I-270, and
- 2) Parcel No. 273-008247 (Ord. No. 76-13) - a 0.300 acre fee simple interest with 0.234 acres encumbered by Present Road Occupied in and to the premises located in Franklin County, east of Riverside Drive and South of I-270.

## Property to be Appropriated

The appropriation consists of the following property interest, as depicted in the map attached hereto:

### Parcel No. 273-009067

Property Interest	Acreage	Appraised Cost
Fee Simple Interest	1.836 +/- acres	\$183,600
Utility Easement	0.673 +/- acres	\$33,650
Temporary Construction Easement	0.088 +/- acres	\$1,300
<b>Total Appraised Cost</b>		<b>\$218,550</b>

**Parcel No. 273-008247**

<b>Property Interest</b>	<b>Acreage</b>	<b>Appraised Cost</b>
Fee Simple Interest	0.300 +/- acres	\$9,899
Present Road Occupied	0.234 acres +/-	\$1
<b>Total Appraised Cost</b>		<b>\$9,900</b>
<b>Grand Total Appraised Costs</b>		<b>\$228,450</b>

**Recommendation**

Staff recommends approval of Ordinances No. 75-13 and 76-13 at the second reading/public hearing on October 14 as obtaining this property interest is necessary for the furtherance of the Emerald Parkway Phase 8 roadway improvement project. Staff will continue to negotiate in good faith with the Thomas family on a mutually agreeable price in order to avoid future litigation. Please address any questions to Dana McDaniel.




(Attachment)

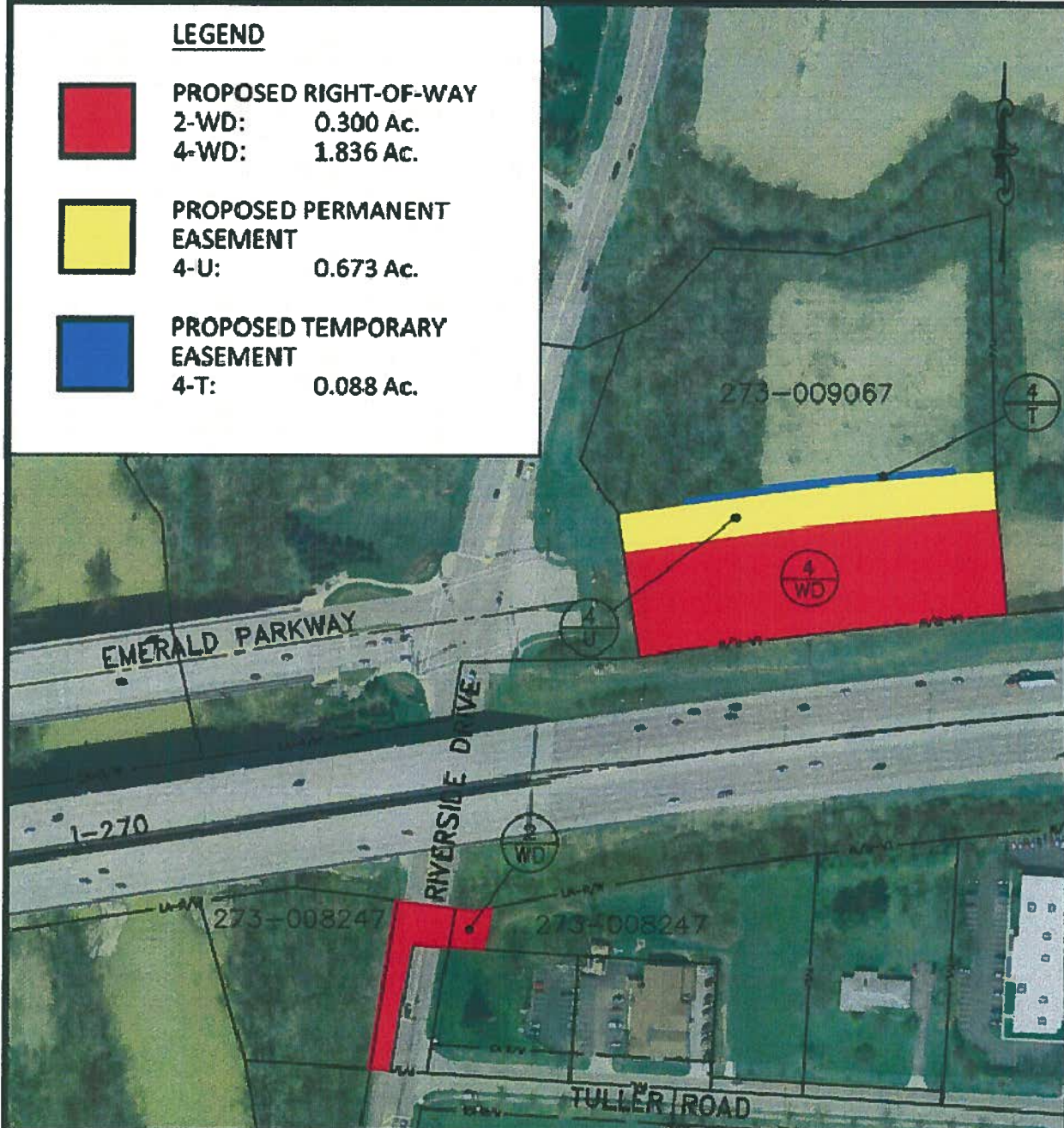


6800 Shier Kings Road • Dublin, Ohio 43016-1238  
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**ATTACHMENT A**  
**EMERALD PARKWAY**  
**PHASE 8**  
**THOMAS FAMILY LP**  
**DUBLIN, OHIO 43017**

**LEGEND**

-  **PROPOSED RIGHT-OF-WAY**  
2-WD: 0.300 Ac.  
4-WD: 1.836 Ac.
-  **PROPOSED PERMANENT EASEMENT**  
4-U: 0.673 Ac.
-  **PROPOSED TEMPORARY EASEMENT**  
4-T: 0.088 Ac.



DRAWN	CHECKED	DATE:	JOB NO.
MSS		09/04/13	07-008

SCALE: 1" = 200'  
0 50 100 200

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

**76-13**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF  
A 0.300 ACRES, MORE OR LESS, FEE SIMPLE INTEREST  
WITH A 0.234 ACRES, MORE OR LESS, ENCUMBERED AS  
PRESENT ROAD OCCUPIED FROM THE THOMAS FAMILY  
LIMITED PARTNERSHIP AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Dublin is preparing to construct the Emerald Parkway Phase 8 roadway improvement project; and

**WHEREAS**, Thomas Family Limited Partnership owns property located at the Northeast corner of Tuller Road and Riverside Drive with a parcel number of 273-008247; and

**WHEREAS**, this roadway project will require the City of Dublin to obtain a fee simple interest from the Thomas Family Limited Partnership, as described in the legal description attached as Exhibit "A" and depicted in the survey attached as Exhibit "B," said property interest located in the City of Dublin, County of Franklin, State of Ohio; and

**WHEREAS**, representatives of the City of Dublin have attempted to partake in good faith negotiations with the landowner, but these negotiations have been unsuccessful thus far.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, State of Ohio, \_\_\_\_\_ of the elected members concurring that:

**Section 1.** Council hereby authorizes the City to appropriate, for the purpose of constructing the Emerald Parkway Phase 8 roadway improvement project, a 0.300 acre fee simple interest with 0.234 acres encumbered by Present Road Occupied, as described in the attached Exhibit "A" and depicted in the attached Exhibit "B," from the Thomas Family Limited Partnership.

**Section 2.** Council hereby fixes the value of the interests to be appropriated at Nine Thousand Nine Hundred Dollars (\$9,900).

**Section 3.** Council finds that the appropriation is necessary for the stated purpose and that the City has been unable to agree with the owner of the property as to appropriate compensation.

**Section 4.** The City Law Director is hereby authorized to file a petition for appropriation in the Franklin County Court of Common Pleas should it become necessary.

**Section 5.** This ordinance shall be effective upon the earliest date permitted by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mayor-Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

**EXHIBIT A**

Page 1 of 1

PARCEL

THOMAS FAMILY LP 2-WD

Version Date

Emerald Parkway  
003-06-08

**CITY OF DUBLIN  
RIGHT OF WAY ACQUISITION  
FROM  
THOMAS FAMILY LP**

**COPY**

Situated in the City of Dublin, County of Franklin, State of Ohio in the Township of Perry, in Quarter Township 2, Township 2 North, Range 19 West, United States Military Lands, and being a part of a 4.058 acre (Auditor's area, originally 61.294 acres total) tract of land conveyed to The Thomas Family Limited Partnership by a deed of record in Official Record 17716F15 at the Franklin County Recorder's Office.

Beginning, for reference, at a PK nail set in Riverside Drive at a corner of said 4.058 acre tract on the centerline of Tuller Road, also being the southwest corner of a 1.000 acre tract of land conveyed to BVH Associates LLC, as recorded and described in Instrument 199710080114699, and the **TRUE POINT OF BEGINNING**;

Thence N 86°24'49" W a distance of 29.69 feet along the extension of the centerline of Tuller Road and the southerly line of said 4.058 acre tract to the existing westerly right of way line of Riverside Drive (S.R. 257) and an iron pin set;

Thence N 9°24'46" E a distance of 243.05 feet along the westerly right of way of Riverside Drive to an iron pin set in the southerly Limited Access (LA) line of I-270 as shown on plans FRA-270-7.47N on file with the Ohio Department of Transportation;

Thence S 82°56'49" E a distance of 106.13 feet (passing the existing easterly right of way of Riverside Drive at 80.07 feet) along the southerly LA line of I-270 to an iron pin set;

Thence N 79°37'45" E a distance of 25.46 feet continuing along the southerly LA line of I-270 to an iron pin set;

Thence S 9°24'46" W a distance of 61.84 feet across the grantors tract to an iron pin set in the northerly line of a 1.000 acre tract of land conveyed to BVH Associates, as recorded and described in Instrument 199710080114699, of the Franklin County Recorder's Office;

Thence N 86°24'49" W a distance of 100.22 feet along the northerly line of said 1.000 acre tract of land conveyed to BVH Associates (passing the existing easterly right of way of Riverside Drive at 50.26 feet) to the westerly line of the same said 1.000 acre tract to a PK nail set;

Thence S 9°39'11" W a distance of 181.01 feet along the westerly line of said 1.000 acre tract of land conveyed to BVH Associates to the centerline of right of way of Tuller Rd and the **TRUE POINT OF BEGINNING**.

The above described area contains 0.300 Acres within the Franklin County Auditor's Parcel Number 273-008247, of which 0.234 acres is within the present road occupied of Riverside Drive.

Grantor claims title by Official Record 17716F15 in the records of Franklin County, Ohio. Iron pins indicated set are 5/8" x 30" rebars with cap stamped "Dodson, 6446, Burgess & Niple". A drawing of this description is attached hereto and made a part hereof.

This description was prepared by Walter Allen Dodson, Professional Surveyor No. 6446, Ohio, and was based upon actual surveys of the premises performed in October, 2007, through January, 2008, and upon available public records. Bearings used in this description are based on Ohio State Plane Coordinates, South Zone, NAD1983 (1986 adjustment), and are for the determination of angles only, with the centerline of Tuller Rd being N 86°24'49"W as shown.



*Walter A. Dodson* 3.3.10  
Walter A. Dodson, P.S. 6446, Ohio  
Burgess & Niple, Inc.

270 EXPRESSWAY

INTERSTATE ROUTE 270  
SEE ODOT  
FRA-270-7.47N

STATE OF OHIO  
O.R. 17716 F15  
18.040 ACRES

THOMAS FAMILY, LP  
4444 TULLER ROAD  
PID: 273-008247  
O.R. 17716 F15  
(4.058 Acres Auditor)

THOMAS FAMILY, LP  
4444 TULLER ROAD  
PID: 273-008247  
O.R. 17716 F15  
(4.058 Acres Auditor)

6"E 243.05'

BVH ASSOCIATES, LLC  
 6924 RIVERSIDE DR  
 PID: 212-001246  
 Inst. #199710080114699  
 1.000 ACRES

BVH ASSOCIATES, LLC  
6924 RIVERSIDE DR  
PID: 212-000494  
Inst. #19971008011469  
0.820 ACRES

DAVID A. AND JOELLEN THOMAS  
4444 TULLER RD  
PID: 273-008908  
O.R. 29554 E04  
1.638 ACRES

SEE O.D.O.T.  
H. 558 SEC A

I do hereby certify that this plot was based upon actual surveys of the premises performed in October 2007 through January 2008, and upon available public records. Bearings and distances in this description are based on Ohio State Plane Coordinates, South Zone, NAD 1983 (1986 adjustment), and are for determination of angles only, with the centerline of Tuller Road being held as N66°24'49"W as shown:

Walter Allen Dodson PS 6446, Ohio  
3.31.10

## CITY OF DUBLIN

THOMAS FAMILY LP  
4444 TULLER RD  
SURVEY OF  
0.300 ACRES

Dwg: E J G	Chk: WAD	03-04-08
Scale: SHOWN	Sh: 1 / 1	44959

**Burgess & Niple**  
6065 Reed Road, Columbus, Ohio 43220  
(614) 469-2050

### LEGEND

ment Found

### Head Spike

**MAIL Found**

MAIL SET

Drilled Hole  
Pin Found

Pin Set-5/

stic I.D. co

thesis indi

different tr

Point Of Beg

**Rejoinder**